

United States Bankruptcy Court  
Western District of New York

The Diocese of Rochester,  
Plaintiff  
The Continental Insurance Company,  
Defendant

Adv. Proc. No. 19-02021-PRW

## CERTIFICATE OF NOTICE

District/off: 0209-2

User: admin

Page 1 of 3

Date Rcvd: Jun 28, 2022

Form ID: pdforder

Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 30, 2022:

Recip ID	Recipient Name and Address
+	Bradley Riley Jacobs PC, Todd C. Jacobs, 500 W. Madison, Suite 100, Chicago, IL 60661-4544
+	David Christian Attorneys LLC, David Christian, 105 W. Madison Street, Suite 1400, Chicago, IL 60602-4654

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpreion02.ro.ecf@usdoj.gov	Jun 28 2022 18:22:00	Office of the U.S. Trustee, 100 State Street, Room 6090, Rochester, NY 14614-1321

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 30, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 28, 2022 at the address(es) listed below:

Name	Email Address
Adam Horowitz	on behalf of Creditor 31 Claimants adam@adamhorowitzlaw.com
Catalina Sugayan	on behalf of Defendant CX Reinsurance Company Limited catalina.sugayan@clydeco.us Nancy.Lima@clydeco.us
Catalina Sugayan	on behalf of Defendant Certain Underwriters at Lloyd's London catalina.sugayan@clydeco.us, Nancy.Lima@clydeco.us

Catalina Sugayan	on behalf of Defendant The Dominion Insurance Company Limited catalina.sugayan@clydeco.us Nancy.Lima@clydeco.us
Catalina Sugayan	on behalf of Defendant HDI Global Specialty SE catalina.sugayan@clydeco.us Nancy.Lima@clydeco.us
Catalina Sugayan	on behalf of Defendant Markel International Insurance Company Limited catalina.sugayan@clydeco.us Nancy.Lima@clydeco.us
Catalina Sugayan	on behalf of Defendant Tenecom Limited catalina.sugayan@clydeco.us Nancy.Lima@clydeco.us
Catalina Sugayan	on behalf of Defendant Certain London Market Companies catalina.sugayan@clydeco.us Nancy.Lima@clydeco.us
Charles Edwin Jones	on behalf of Defendant Interstate Fire & Casualty Company charles.jones@lawmoss.com Brenda.murphy@lawmoss.com
Charles Edwin Jones	on behalf of Defendant National Surety Corporation charles.jones@lawmoss.com Brenda.murphy@lawmoss.com
Charles J. Sullivan	on behalf of Plaintiff The Diocese of Rochester csullivan@bsk.com kdoner@bsk.com;csullivan@bsk.com;jhunold@bsk.com
Dirk C. Haarhoff	on behalf of Defendant Colonial Penn Insurance Company dchaarhoff@kslnlaw.com
Dirk C. Haarhoff	on behalf of Notice of Appearance Creditor Colonial Penn Insurance Company dchaarhoff@kslnlaw.com
Gerard Sweeney	on behalf of Creditor CC 403 gkosmakos@srblawfirm.com
Harris Winsberg	on behalf of Defendant Interstate Fire & Casualty Company harris.winsberg@troutmansanders.com
Harris Winsberg	on behalf of Defendant National Surety Corporation harris.winsberg@troutmansanders.com
Ilan D Scharf	on behalf of Creditor Committee Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com
Ilan D Scharf	on behalf of Notice of Appearance Creditor Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com
James I. Stang	on behalf of Creditor Committee Official Committee of Unsecured Creditors jstang@pszjlaw.com
James R Marsh	on behalf of Creditor 31 Claimants jamesmarsh@marsh.law
Jeffrey Austin Dove	on behalf of Defendant The Continental Insurance Company jdove@barclaydamon.com avrooman@barclaydamon.com;jeffrey-dove-1212@ecf.pacerpro.com
Jennifer Smith	on behalf of Defendant The Continental Insurance Company jsmith@tresslerllp.com
Judith Treger Shelton	on behalf of Defendant Colonial Penn Insurance Company jtshelton@kslnlaw.com
Judith Treger Shelton	on behalf of Notice of Appearance Creditor Colonial Penn Insurance Company jtshelton@kslnlaw.com
Kaitlin M. Calov	on behalf of Defendant Colonial Penn Insurance Company kcalov@wwmlawyers.com jvail@walkerwilcox.com
Kaitlin M. Calov	on behalf of Notice of Appearance Creditor Colonial Penn Insurance Company kcalov@wwmlawyers.com jvail@walkerwilcox.com
Kathleen Thomas	on behalf of Creditor Certain Sexual Abuse Claimants kat@tlclawllc.com
Kathleen Dunivin Schmitt, 11	USTPRegion02.RO.ECF@USDOJ.GOV
Leander Laurel James, IV	on behalf of Interested Party Kenneth Cubiotti ljames@jvwlaw.net Lucia@jvwlaw.net
Matt Roberts	

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Matt Roberts	on behalf of Defendant Interstate Fire & Casualty Company matthew.roberts2@troutmansanders.com
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Mitchell Garabedian	on behalf of Creditor SHC-MG-2 Doe mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Creditor SM 247 mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Creditor DG 278 mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Creditor VJR 41 mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Creditor MS 275 mgarabedian@garabedianlaw.com
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Peter P. McNamara	on behalf of Defendant National Surety Corporation peter.mcnamara@rivkin.com
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Robert P. Arnold	on behalf of Notice of Appearance Creditor Colonial Penn Insurance Company rarnold@walkerwilcox.com MZaiko@walkerwilcox.com
Russell Webb Roten	on behalf of Defendant Interstate Fire & Casualty Company RWRoten@duanemorris.com
Russell Webb Roten	on behalf of Defendant Certain London Market Companies RWRoten@duanemorris.com
Scott Michael Duquin	on behalf of Creditor Certain Sexual Abuse Claimants sduquin@hoganwillig.com smdlaw27@gmail.com
Shannon Anne Scott	on behalf of U.S. Trustee William K. Harrington shannon.scott2@usdoj.gov
Siobhain Patricia Minarovich	on behalf of Defendant Interstate Fire & Casualty Company siobhain.minarovich@rivkin.com
Siobhain Patricia Minarovich	on behalf of Defendant National Surety Corporation siobhain.minarovich@rivkin.com
Stephen A. Donato	on behalf of Plaintiff The Diocese of Rochester sdonato@bsk.com ayerst@bsk.com;kdoner@bsk.com
Steve Phillips	on behalf of Creditor LCVAWCR DOE sphillips@p2law.com
Timothy Patrick Lyster	on behalf of Interested Party Ad Hoc Parish Committee tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Todd S. Schenk	on behalf of Defendant The Continental Insurance Company tschenk@tresslerllp.com

TOTAL: 55

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

Case No. 19-20905

The Diocese of Rochester,

Chapter 11

Debtor.

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**STIPULATION AND ORDER REGARDING  
DISCOVERY AND THE HEARING RELATING TO THE MOTION  
BY THE DIOCESE TO APPROVE NEGOTIATED SETTLEMENTS  
PURSUANT TO FEDERAL RULE OF BANKRUPTCY 9019**

It is hereby stipulated and agreed, by and through the undersigned counsel of record for The Diocese of Rochester (the "Debtor"), the Official Committee of Unsecured Creditors (the "Committee"), London Market Insurers ("LMI")<sup>1</sup>, Certain Underwriters at Lloyd's, London ("Underwriters")<sup>2</sup>, Interstate Fire & Casualty Company and National Surety Corporation (collectively, "Interstate"), and The Continental Insurance Company, successor by merger to Commercial Insurance Company of Newark, New Jersey and Firemen's Insurance Company of Newark, New Jersey ("CNA"), and together with LMI, Underwriters and Interstate, the "Insurers" (the Debtor, the Committee, LMI, Underwriters, Interstate and CNA are each a "Party" and are collectively referred to as the "Parties"), as follows:

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<sup>1</sup> The term "London Market Insurers" refers, collectively to Certain Underwriters at Lloyd's, London, Catalina Worthing Insurance Ltd. f/k/a HFPI (as Part VII transferee of Excess Insurance Company Ltd.), RiverStone Insurance (UK) Limited (as successor in interest to Terra Nova Insurance Company Ltd. and as successor in interest to Sphere Drake Insurance Ltd.), Sampo Japan Nipponkoa Insurance Company of Europe Limited (formerly known as The Yasuda Fire & Marine Insurance Company), and Dominion Insurance Company Ltd., who subscribed severally and not jointly as their interests appear to Package, Excess Broadform, and other Policies providing insurance to the Diocese of Rochester and other Non-Debtor Diocesan Related Entities.

<sup>2</sup> The term "Underwriters" refers to certain Underwriters at Lloyd's, London, HDI Global Specialty SE and Convex Insurance UK Limited subscribing to Certificates providing insurance to the Diocese of Rochester and other non-Debtor related entities from July 1, 2018 to the present.

**WHEREAS**, the Debtor has moved this Court (the “Motion”) (Dkt. No. 190) for entry of an order, pursuant to sections 105 and 363 of title 11 of the United States Code (11 U.S.C. § 101, et seq., as amended, the “Bankruptcy Code”) and Rules 2002(a)(2)-(a)(3), 6004, 9007, 9008, and 9019(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) approving negotiated settlements with the Insurers, which will provide aggregate settlement proceeds of \$107,750,000 to be combined with an additional \$40,500,000 contribution from the Diocese and other Debtor related entities to make a total of \$147,750,000 in funding available for a trust to compensate survivors of abuse.

**WHEREAS**, the Parties have agreed to a schedule for the Committee’s response to the Motion, the deadlines for any discovery that the parties choose to conduct in relation to the Motion and the dates relating to any hearing on the Motion that may be necessary to resolve the Motion.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, subject to the approval of the Court, as follows:

1. **June 23, 2022:** Deadline for the Insurers and any others to file and serve briefs in support of the Motion.
2. **June 30, 2022:** Deadline for (a) the service of any written discovery demands pursuant to the Federal Rules of Civil Procedure, and (b) the Committee to file and serve any response or objection to the Motion.
3. **July 22, 2022:** Deadline for (a) the disclosure of all fact witnesses each Party believes in good faith that it is likely to call at the Hearing (as defined below) (the “Preliminary Witness List”), and (b) the filing and service of any replies to any responses or objections to the Motion.

4. August 8, 2022: Deadline to produce responses to written discovery demands, including written objections and responses and documents or information responsive to such demands.

5. August 15, 2022: Deadline (a) for each Party to supplement its respective Preliminary Witness List with all additional witnesses such Party will call at the Hearing, and (b) to submit written discovery disputes to the Court (each, a "Discovery Motion").<sup>3</sup>

6. August 22, 2022: The Court to determine all written discovery issues.

7. October 14, 2022: Deadline to complete all fact discovery, including depositions of fact witnesses.

8. October 21, 2022: Deadline for all Parties to identify expert witnesses.

9. October 28, 2022: Deadline for any Party intending to offer expert testimony that is not rebuttal expert testimony at the Hearing to serve on all other Parties a written report prepared and signed by the expert containing the information required by Federal Rules of Civil Procedure 26(a)(2)(B), along with all documents, facts, and data considered by the expert authoring the report. The parties hereby stipulate, pursuant to Bankruptcy Rule 9014, that Federal Rules of Civil Procedure 26(a)(2) shall apply in this case.

10. November 11, 2022: Deadline for any Party intending to offer rebuttal expert testimony at the Hearing to serve a written rebuttal expert report on all other Parties containing the information required by Federal Rule of Civil Procedure 26(a)(2)(B), along with all documents, facts, and data considered by the expert authoring the rebuttal report. If the expert providing

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<sup>3</sup> The parties agree (a) to meet and confer in good faith before filing any Discovery Motion, (b) to jointly request that the Discovery Motion be heard telephonically, on five (5) calendar days' notice, or as soon thereafter as counsel can be heard (without the necessity of filing a motion to shorten time), and that (c) any response or objection to a Discovery Motion shall be filed at least 48 hours before the telephonic hearing.

rebuttal testimony had not been previously disclosed and identified, such rebuttal report shall contain the information required by Federal Rules of Civil Procedure 26(a)(2)(A) and (B).

11. **December 16, 2022:** Deadline to complete all expert discovery, including depositions of expert witnesses.

12. The evidentiary hearing on the Motion (the "Hearing") will be conducted in person and commence on JAN. 24, 2023 at 9:30 a.m. and shall continue, as necessary on JAN 25, 2023, JAN 26 2023 and JAN 27 2023. (\*)

13. Ten (10) days prior to the first day of the Hearing, the Parties shall exchange copies of all exhibits and witness names to be offered at the Hearing.

14. Seven (7) days prior to the first day of the Hearing, the Parties shall each file a trial brief, motions *in limine* (if any), and motions to preclude expert testimony (if any); the Parties shall file with the court a joint exhibit list, which highlights any unresolved objections to admissibility to such exhibits.

15. ~~Three (3)~~ <sup>FIVE (5)</sup> days prior to the first day of the Hearing, the Debtor shall provide copies of the exhibits and the joint exhibit list to the Court, and the Parties shall file objections and responses, if any, to any filed motions *in limine* and motions to preclude expert testimony. The Court may enter an Order approving this Stipulation without further notice to any Party, and the Parties respectfully request that the Court do so.

(\*) The Court will set a date for the submission of post-trial briefs by an order to be entered at the conclusion of the trial.

BOND, SCHOENECK & KING, PLLC

Dated: \_\_\_\_\_, 2022

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Dated: \_\_\_\_\_, 2022

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*Attorneys for Certain Underwriters at Lloyd's,  
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Dated: \_\_\_\_\_, 2022

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*Attorneys for The Continental Insurance Company*

SO ORDERED:

Dated: June 28, 2022  
Rochester, New York

  
UNITED STATES BANKRUPTCY JUDGE